

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DeVonna White
3170 Ludlow Road
Shaker Heights, Ohio
44120

Plaintiff,

vs.

Civil Action No.

Javitch, Block & Rathbone
1100 Superior Avenue 18th floor
Cleveland, Ohio
44114 -2518

Defendant

1:12CV0916

JUDGE BOYKO

MAG. JUDGE BAUGHMAN

COMPLAINT

NOW COMES the Plaintiff, DeVonna White, Pro Se, and for her Complaint against the Defendant, Javitch, Block & Rathbone alleges and states as follows:

PRELIMINARY STATEMENT

1. This action arises for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter the "FDCPA"), 15 U.S.C. §1692, *et seq.*, the Ohio Consumer Sales Practices Act (hereinafter the "OCSA"), Ohio Rev Code §1345.01, *et seq.* and the Telephone Consumer Protection Act (hereinafter the "TCPA") 27 U.S.C. §227 *et seq.*

JURISDICTION

2. Jurisdiction arises under the FDCPA, 15 U.S.C §1692, *et seq.* Venue lies properly in this district pursuant to 28 U.S.C. 1391 (b), as a substantial part of the events and omissions giving rise to the claim occurred within this District.

PARTIES

3. Plaintiff, DeVonna White (hereinafter "White") is a natural person currently residing in Shaker Heights, Ohio.
4. Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a (3), as she is a natural person allegedly obligated to pay a debt.
5. Defendant Javitch, Block & Rathbone (hereinafter "Javitch") is a corporation that regularly conducts business in the State of Ohio. Defendant regularly attempts to collect consumer debts asserted to be due another.
6. Defendant, Melissa Hager (0072388) (hereinafter "Javitch") is an individual residing at an unknown location and an officer or employee of Javitch, Block & Rathbone.
7. Defendant, Hilary V. Michael (0085290) (hereinafter "Javitch") is an individual residing at an unknown location and an officer or employee of Javitch, Block & Rathbone.
8. At all relevant times, Javitch acted as a "debt collectors" as defined by the FDCPA, 15 U.S.C. §1692a (6) in that it held itself out to be a company collecting a consumer debt allegedly owed by Plaintiff.
9. On information and belief, Javitch is a corporation of the State of Ohio, which is licensed to do business in Ohio and which has its principal place of business in Cleveland, Ohio.

COUNT I

(Violation of the Fair Debt Collection Practices Act)

10. On or about May 16, 2011 Javitch notified White via United States Postal Mail that they

were attempting to collect an allege debt.

11. On or about June 13, 2011 White sent a letter to dispute to the validity of this debt and elected arbitration therefore waving Javitch's litigation rights (EXHIBIT A). This letter was sent to Javitch via United States Postal Certified Return Receipt (EXHIBIT B).

12. On or about November 4, 2011 Javitch, on behalf of their client, commenced a summons and complaint to White in an attempt to collect an alleged debt. (EXHIBIT C)

13. Pursuant to the arbitration terms in the cardmember agreement with Javitch's client, on or about January 11, 2012 White initiated arbitration with JAMS arbitration to resolve the pending issue with Javitch's client. (EXHIBIT D)

14. On or around February 21, 2012, JAMS arbitration acknowledged initiation of Demand for Arbitration by the White. (EXHIBIT E)

15. Although White elected and initiated with payment Private Contractual Arbitration with JAMS arbitration, Javitch continues to pursue this matter in Cuyahoga County Common Pleas Court.

16. In its attempt to collect aforementioned alleged debt, Javitch violated the FDCPA in one or more of the following way:

a. Used false representation and deceptive means to attempt to collect a debt, which is a violation of 15 U.S.C. §1692e of the FDCPA"

17. Defendant, through its agents and employees, knowingly committed the unfair, deceptive and unconscionable acts and practices described above.

18. As a result of Defendant's violations as aforesaid, Plaintiff has suffered and continues to suffer personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, DEVONNA WHITE, respectfully prays for a judgment against the Defendant as follows:

- a. Statutory damages of \$1,000.00 for each violation of the FDCPA;
- b. All reasonable witness fees, court cost, and other litigation cost incurred by Plaintiff; and
- c. Any other relief deemed appropriate by this Honorable Court.

Further Sayeth Not:

DeVonna White 4/17/11

Respectfully submitted,

DeVonna White
3170 Ludlow Road
Shaker Heights, Ohio 44120

Pro Se